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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/047,272    03/24/98    MOETTELI    J    777

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AIR MAIL

EXAMINER

LA, A

ART UNIT

PAPER NUMBER

2736

DATE MAILED:

08/04/99

*17*

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/047,272**

Applicant(s)  
**Moetteli**

Examiner  
**Anh La**

Group Art Unit  
**2736**



☐ Responsive to communication(s) filed on \_\_\_\_\_.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-11 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 7 and 11 is/are allowed.

☒ Claim(s) 1-6 is/are rejected.

☒ Claim(s) 8-10 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 14

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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### DETAILED ACTION

1. Claims 3-6 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "the two not necessarily adjacent locations" in lines 13-14.

There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the at least two not necessarily adjacent enforcement units" in line 7. There is insufficient antecedent basis for this limitation in the claim.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Auty.

Regarding claim 1, Auty discloses a traffic law enforcement system comprising at least two enforcement units (2) having identifying indicia readers being spaced apart a given distance, at least one central computer (62) receiving inputs from the units (2), and the units and the central computer cooperating to calculate an average velocity of a vehicle passing between the two units, using data on minimum travel time drivable distance between the enforcement units and other data

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necessary to determine a violation of calculated average speed limit between the enforcement units and the inputs of the identity of enforcement units which transmitted matching identifying indicia, and time lapsed between the transmission of the matching identifying indicia to the central computer (column 6, lines 31-61, col. 31, lines 25-41, and figures 6-7). Auty does not clearly disclose a look up table including the data and the inputs. However, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide a look up table to include the data and the inputs to the system of Auty for the purpose of timely determining a violation of a calculated average speed limit between the enforcement units.

Regarding claim 3, as far as definite, Auty discloses a traffic law enforcement system comprising at least two enforcement units (2) reading identifying indicia from passing vehicles, one central computer (61) receiving inputs from the units, the central computer associating a time of the transmission and a location of the source of the identifying indicia, the computer accessing data including an estimation of a minimum-travel-time drivable distance between the two units and an estimation of the maximum average permissible velocity between the two units, calculating the average speed of an alleged vehicle, and comparing the maximum average permissible velocity with the average speed of the alleged vehicle (column 6, lines 31-61, col. 31, lines 25-41, and figures 6-7). Auty does not clearly disclose a look up table including the data. However, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide a look up table to include the data to the system of Auty for the purpose of timely determining a violation of a calculated average speed limit between the enforcement units.

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Regarding claim 5, the traffic law enforcement system of Auty has a signal being sent to the enforcement unit to cause the capture an image of the vehicle (col. 31, lines 25-52).

Regarding claim 6, as far as definite, Auty discloses a traffic law enforcement system comprising at least two enforcement units (2) having identifying indicia readers being spaced apart a given distance, at least one central computer (62) receiving inputs from the units (2), and the units and the central computer cooperating to calculate an average velocity of a vehicle passing between the two units, using data on minimum travel time drivable distance between the enforcement units and other data necessary to calculate average speed and the inputs of the identity of enforcement units which transmitted matching identifying indicia, and time lapsed between the transmission of the matching identifying indicia to the central computer, at least three not necessarily adjacent enforcement units cooperating with the computer, and at least two images being recorded (column 6, lines 31-61, col. 31, lines 25-41, and figures 6-7). Auty does not clearly disclose a look up table including the data and the inputs. However, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide a look up table to include the data and the inputs to the system of Auty for the purpose of timely determining a violation of a calculated average speed limit between the enforcement units.

4. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Auty as applied to claim 1 above, and further in view of Pagano.

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Regarding claims 2 and 4, Auty as modified discloses all the claimed subject matter as set forth above in the rejection of claim 1, and further discloses attachment means (see fig. 1-2), but does not disclose at least one decoy unit. Pagano discloses a system using at least one decoy unit (col. 1, lines 25-35). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include at least one decoy unit to the traffic law enforcement system of Auty (as modified) as taught by Pagano for the purpose of replacing the enforcement unit by a decoy unit to reduce the cost and permitting the system to provide a deterrent effect.

5. Claims 7 and 11 are allowed.

6. Claims 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Adkins discloses a passive velocity measuring device.

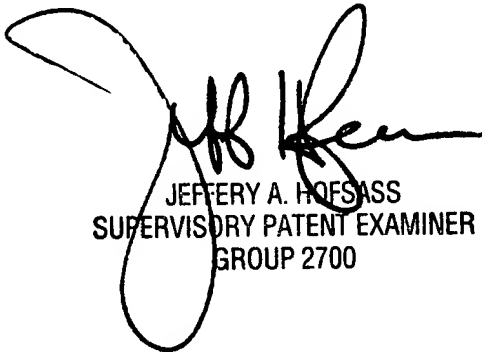
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner La whose telephone number is (703) 305-3967. The examiner can normally be reached on Monday--Friday from 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass, can be reached on (703)-305-4717. The fax phone number for this Group is (703)305-3988 .

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Anh Van La  
July 30, 1999



JEFFERY A. HOFSSASS  
SUPERVISORY PATENT EXAMINER  
GROUP 2700